

CHAPTER 802 PUBLIC IMPROVEMENTS

- 802.001. Purpose
- 802.005. Definitions
- 802.010. Design Standards and Specifications
- 802.015. Development to be Served by City Utilities
- 802.020. Easements
- 802.025. Utilities to be Placed Underground
- 802.030. Watercourses
- 802.035. Partitions in Areas Unserved by City Wastewater System
- 802.040. Private Stormwater, Wastewater, and Water Systems

802.001. Purpose. The purpose of this Chapter is to establish the means and standards whereby public improvements are provided for development within the City. (Ord No. 31-13)

802.005. Definitions. Unless the context otherwise specifically requires, as used in this Chapter, the following mean:

- (a) City utilities: Public improvements providing water, wastewater, and stormwater facilities.
- (b) Public improvements: Infrastructure necessary to provide city utilities to customers.
- (c) Public utilities: Privately owned improvements providing the following services: natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.
- (d) Public Works Design Standards: The design standards and specifications adopted pursuant to SRC 802.010.
- (e) Utility or utilities: Water; wastewater; stormwater facilities; natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.
- (f) Watercourse: The route, up to and including the top of bank, formed by natural processes or constructed by humans, generally consisting of a channel with a bed, banks, or sides, in which water flows. By way of illustration, but not of limitation, as used in this Chapter, watercourse includes perennial and intermittent streams and creeks, swales, drainage ditches, and culverts. As used in this Chapter, watercourse does not include the Willamette River. (Ord No. 31-13)

802.010. Design Standards and Specifications. The Public Works Director shall prepare and adopt by administrative rule design standards and specifications consistent with sound engineering principles for the construction, reconstruction, or repair of public improvements within areas under the City's jurisdiction. The design standards and specifications shall be kept on file in the office of the Public Works Director. All public improvements shall conform to the adopted design standards and specifications, and with any other adopted plans and policies adopted by the City. (Ord No. 31-13)

802.015. Development to be Served by City Utilities. Except as provided under SRC 802.035 and SRC 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards. (Ord No. 31-13)

802.020. Easements. Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than 10 feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section. (Ord No. 31-13)

802.025. Utilities to be Placed Underground.

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.
- (c) Stormwater management shall be provided by above-ground and below-ground facilities. (Ord No. 31-13)

802.030. Watercourses.

- (a) Any modification to a watercourse shall conform to SRC Chapter 601 and the Public Works Design Standards.
- (b) Public improvement and maintenance easements for watercourses may be required. The easements shall, at a minimum, extend 15 feet in each direction from the waterway centerline, 10 feet from the top of a recognizable bank, or a sufficient width to pass 10-year flood flows or to accommodate the 100-year floodway on a FEMA regulated stream, whichever is greater. Such easements shall be of a width sufficient to allow both initial improvements and future maintenance and operations. Larger widths may be required. (Ord No. 31-13)

802.035. Partitions in Areas Unserved by City Wastewater System. A partition located more than 300 feet from an available sewer may be approved if the applicable requirements for partitions located more than 300 feet from an available sewer contained within SRC Chapter 205 are met. (Ord No. 31-13)

802.040. Private Stormwater, Wastewater, and Water Systems. A private stormwater, wastewater, or water system may be approved by the Director if each of the following conditions are met:

- (a) City utilities necessary to serve adjacent properties and to provide needed links in the overall collection and distribution system are provided.
- (b) If the system is a water system:
 - (1) The water system conforms to the water distribution standards of the City;
 - (2) Except as authorized by State law, water from the system is not submetered or resold to other parties;
 - (3) Each building under separate ownership has a separate water meter; and
 - (4) The properties served are located within a commercial or an industrial and employment zone.
- (c) If the system serves multiple properties under separate ownership:
 - (1) If the system is a wastewater system, the properties served are located within a commercial or an industrial and employment zone, and each building under separate ownership must have a separate wastewater monitoring manhole. Exceptions to the requirement for monitoring manholes may be granted by the Director if the owner of the system shows that no proposed use has any likelihood of discharging hazardous or illegal materials into the City's wastewater system.
 - (2) An agreement is executed by the utility owner and the owner of the property served by the system. The agreement shall be recorded in the deed records of the applicable county and provide that:
 - (A) The system serving the property is private;
 - (B) The City has no responsibility to maintain the system;
 - (C) The system will not be accepted by the City unless the system was constructed in a manner that conforms to the Public Works Design Standards;
 - (D) A perpetual right of access to read and maintain the meters and inspect the system is granted to the City; and
 - (E) Persons served by the system assume responsibility for any repairs required for the City. (Ord No. 31-13)